

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on March 26, 2021 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Kathy Kelker, Vice Chair (D)
Rep. Amy Regier, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Laurie Bishop (D)
Rep. Jennifer Carlson (R)
Rep. Robert Farris-Olsen (D)
Rep. Tom France (D)
Rep. Donavon Hawk (D)
Rep. Jedediah Hinkle (R)
Rep. Dennis R. Lenz (R)
Rep. Bob Phalen (R)
Rep. Derek Skees (R)
Rep. Ed Stafman (D)
Rep. Danny Tenenbaum (D)

Members Excused:

Rep. Barry Usher, Chair (R)
Rep. Frank Fleming (R)
Rep. Jane Gillette (R)
Rep. Brandon Ler (R)
Rep. Mallerie Stromswold (R)

Members Absent: None

Staff Present:

Joanne Kauzlarich, Committee Secretary
Rachel Weiss, Legislative Branch
Hallie Swain, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 280, 3/23/2021; SB 283, 3/23/2021; SB 315, 3/23/2021;
SB 344, 3/23/2021
Executive Action: SB 83; SB 338; SB 354; SB 370

8:01:00 Vice Chair Regier assumed the Chair.

HEARING ON SB 344

Opening Statement by Sponsor:

08:02:24 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 344, Allow for adult inmates at Pine Hills Youth Correctional Facility.

08:04:30 Rep. Stromswold joined the meeting.

Proponents' Testimony:

08:05:21 Cynthia Wolken, Department of Corrections (DOC)

08:06:49 Steve Ray, Pine Hills Correctional Facility

08:07:33 Rep. Skees left the meeting.

Opponents' Testimony:

08:08:06 Sam Forstag, American Civil Liberties Union (ACLU)

08:10:18 Beth Brennemen, Disability Rights Montana (DRM)

08:10:47 Rep. Ler joined the meeting.

08:15:29 SJ Howell, Montana Women Vote (MWV)

08:16:38 Laurie Little Dog, self

08:18:54 Shawn Reagor, Montana Human Rights Network (MHRN); Montana Coalition Against Domestic & Sexual Violence (MCADSV)

Proponents:

08:19:50 Larry Nielsen, Montana Federation of Public Employees (MFPE)

Informational Testimony:

08:20:31 Colleen Ambrose, Department of Corrections (DOC)

Questions from Committee Members and Responses:

08:20:56 Vice Chair Kelker

08:21:44 Colleen Ambrose, DOC

08:22:01 Cynthia Wolken, DOC

08:22:27 Vice Chair Kelker

08:23:13 Cynthia Wolken, DOC

08:24:00 Vice Chair Kelker

08:24:30 Cynthia Wolken, DOC

08:24:39 Rep. Tenenbaum

08:25:14 Cynthia Wolken, DOC

08:26:48 Rep. Tenenbaum

08:27:35 Cynthia Wolken, DOC

08:28:26 Rep. Phalen

08:30:05 Cynthia Wolken, DOC

08:30:25 Rep. Berglee

08:31:00 Cynthia Wolken, DOC

08:31:55 Rep. Carlson

08:32:41 Beth Brennemen, DRM

08:33:02 Rep. Carlson
08:33:38 Sam Forstag, ACLU

Closing by Sponsor:

08:33:58 Sen. Bogner

HEARING ON SB 280**Opening Statement by Sponsor:**

08:35:16 Sen. Carl Glimm (R), SD 2, opened the hearing on SB 280, Revise vital statistics laws regarding sex designation on birth certificate.

Proponents' Testimony:

08:38:27 Jeff Laszloffy, Montana Family Foundation (MFF)
08:42:10 Rep. Skees joined the meeting.
08:43:12 Donna Elford, self
08:45:48 Michael Wells, self

Opponents' Testimony:

08:46:42 Laurel Hesse, American Civil Liberties Union (ACLU)
08:48:38 Rep. Lenz left the meeting.
08:49:54 Adrian Jawort, Montana Native Voice (MNV)
08:54:06 Rachel Schmidt, Associated Students of Montana State University (ASMSU)
08:54:25 Jack Rinck, Associated Students of University of Montana (ASUM)
08:54:49 Shawn Reagor, Montana Human Rights Network (MHRN)
08:57:45 Kelli Twoteeth, self
08:59:54 Allison Reinhardt, Montana Associated Students (MAS)
09:00:22 Dr. Kathryn Lowe, Montana Chapter of American Academy of Pediatrics (MTAAP)
09:03:33 Zuri Moreno, Indigenous Organizers Collective
09:06:33 SJ Howell, Montana Women Vote (MWV)
09:09:59 Anna Peterson, self
09:12:44 Izzy Milch, Forward Montana
09:14:10 Sydney Barry, Montana Coalition Against Domestic & Sexual Violence (MCADSV)
09:14:43 Dr. Lauren Wilson, Montana Chapter of American Academy of Pediatrics (MTAAP)

Informational Testimony: None**Questions from Committee Members and Responses:**

09:17:07 Rep. Hawk
09:17:37 Shawn Reagor, MHRN
09:19:37 Rep. J. Hinkle
09:21:44 Izzy Milch, Forward Montana
09:21:54 Rep. J. Hinkle
09:22:16 Izzy Milch, Forward Montana
09:22:53 Vice Chair Kelker
09:23:45 Laurel Hesse, ACLU

09:24:25 Rep. Skees
09:25:25 Dr. Lauren Wilson, MTAAP
09:26:29 Rep. Skees
09:26:52 Dr. Lauren Wilson, MTAAP
09:27:54 Rep. Skees
09:34:04 Laurel Hesse, ACLU
09:34:56 Rep. Phalen
09:37:34 Laurel Hesse, ACLU
09:38:07 Rep. Carlson
09:38:30 Dr. Lauren Wilson, MTAAP
09:38:11 Rep. Carlson
09:38:32 Dr. Lauren Wilson, MTAAP
09:38:49 Rep. Carlson
09:39:00 Dr. Kathryn Lowe, MTAAP
09:39:13 Rep. Carlson
09:39:21 Dr. Kathryn Lowe, MTAAP
09:39:27 Chair Regier
09:39:38 Rep. Bishop
09:39:58 Shawn Reagor, MHRN
09:41:09 Rep. Bishop
09:42:17 Laurel Hesse, ACLU
09:43:03 Rep. Stafman
09:44:12 Dr. Lauren Wilson, MTAAP
09:45:27 Rep. Stafman
09:45:46 Dr. Lauren Wilson, MTAAP
09:46:08 Rep. J. Hinkle
09:48:32 Laurel Hesse, ACLU
09:49:06 Rep. J. Hinkle
09:50:18 Sen. Glimm
09:51:37 Rep. Berglee
09:52:00 Shawn Reagor, MHRN
09:52:06 Rep. Berglee
09:52:16 Shawn Reagor, MHRN
09:52:22 Rep. Skees
09:53:12 Jeff Laszloffy, MFF
09:53:18 Rep. Berglee assumed the Chair.
09:54:23 Rep. Skees
09:55:19 Jeff Laszloffy, MFF
09:57:09 Vice Chair Kelker
09:57:32 Rep. Ler
09:57:41 Vice Chair Kelker
09:58:20 Chair Berglee
09:58:31 Dr. Lauren Wilson, MTAAP

Closing by Sponsor:

09:59:47 Sen. Glimm

10:00:08 Chair A. Regier assumed the Chair.

HEARING ON SB 283**Opening Statement by Sponsor:**

10:01:23 Sen. Carl Glimm (R), SD 2, opened the hearing on SB 283, Generally revise laws regarding firearms on school grounds.

Proponents' Testimony:

10:07:42 Michael Wells, self

10:08:24 Debra Silk, Montana School Board Association (MTSBA)

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

10:09:28 Rep. Kelker

10:10:15 Debra Silk, MTSBA

10:11:29 Rep. Tenenbaum

10:11:59 Debra Silk, MTSBA

Closing by Sponsor:

10:12:36 Sen. Glimm

HEARING ON SB 315**Opening Statement by Sponsor:**

10:13:43 Sen. David Howard (R), SD 29, opened the hearing on SB 315, Adopt the Born-Alive Infant Protection Act.

Proponents' Testimony:

10:14:48 Matt Brower, Montana Catholic Conference

10:16:42 Jeff Laszloffy, Montana Family Foundation (MFF)

10:20:08 Glenn Oppel, Governor's Office (GOV)

10:22:59 Jacob Corcoran, self

10:24:47 Donna Elford, self

EXHIBIT(juh60a01)

10:26:23 Rep. Stromswold left the meeting.

10:26:47 Michael Wells, self

10:27:53 Dennison Rivera, Lewis and Clark County Young Republicans (LCCYRMT)

10:31:17 Kaitlyn Ruch, Students for Life

10:35:08 Ruth Rater, self

10:35:32 Cindy Hoy self

10:36:37 Joanne Friesen, self

10:39:36 Darin Gaub, self

Opponents' Testimony:

10:42:34 Caelen McQuilkin, self

10:44:53 Iko'tsimiskimaki Beck, self

Informational Testimony: None

Questions from Committee Members and Responses:

10:45:45	Rep. J. Hinkle
10:46:20	Caelen McQuilkin, self
10:47:13	Rep. J. Hinkle
10:47:19	Caelen McQuilkin, self
10:48:04	Rep. J. Hinkle
10:48:21	Rep. Phalen
10:48:33	Caelen McQuilkin, self
10:48:58	Rep. Skees
10:49:34	Caelen McQuilkin, self
10:50:05	Rep. Skees
10:50:40	Caelen McQuilkin, self
10:51:33	Rep. Skees
10:52:08	Caelen McQuilkin, self
10:52:52	Rep. Skees
10:54:03	Rep. Phalen
10:54:36	Sen. Howard
10:54:53	Rep. Skees

Closing by Sponsor:

10:55:15	Sen. Howard
10:55:59	Chair A. Regier
10:56:56	Recessed
11:24:24	Reconvened as Rep. Usher assumed the Chair with Rep. Ler excused.

EXECUTIVE ACTION ON SB 83

11:24:28 **Motion:** Rep. A. Regier moved that **SB 83 BE CONCURRED IN.**

Discussion:

11:24:52	Rachel Weiss, Legislative Services Division (LSD)
11:25:23	<u>Vote:</u> Motion carried 16-3 by roll call vote with Rep. Farris-Olsen, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy. Rep. Ler will carry the bill.

EXECUTIVE ACTION ON SB 338

11:27:33 **Motion:** Rep. A. Regier moved that **SB 338 BE CONCURRED IN.**

Discussion:

11:27:42	Rachel Weiss, LSD
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11:28:02 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy. Rep. Phalen will carry the bill.

EXECUTIVE ACTION ON SB 354

11:29:36 **Motion:** Rep. A. Regier moved that **SB 354 BE CONCURRED IN.**

Discussion:

11:29:44 Rachel Weiss, LSD

11:30:13 **Motion:** Rep. A. Regier moved that **SB 354 BE AMENDED.**

[**EXHIBIT\(juh60a02\)**](#)

Discussion:

11:30:23 Rachel Weiss, LSD

11:31:47 Vice Chair Kelker

11:32:05 Chair Usher

11:32:11 Vice Chair Kelker

11:32:09 Chair Usher

11:32:28 Rep. Tenenbaum

11:32:32 **Motion/Vote:** Rep. Tenenbaum moved to **PASS CONSIDERATION ON SB 354.** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Fleming, Rep. Gillette, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy.

11:34:39 Rep. Stafman

11:35:11 Rachel Weiss, LSD

11:35:50 Rep. France

11:36:04 Chair Usher

11:36:19 Rep. France

11:38:02 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy.

11:39:20 **Motion:** Rep. A. Regier moved that **SB 354 BE CONCURRED IN AS AMENDED.**

Discussion:

11:39:32 Rep. Tenenbaum

11:40:07 Rep. Kelker

11:41:43 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy. Rep. Berglee will carry the bill.

EXECUTIVE ACTION ON SB 370

11:43:27 **Motion:** Rep. A. Regier moved that **SB 370 BE CONCURRED IN.**

Discussion:

11:43:33 Rachel Weiss, LSD

11:43:54 **Motion:** Rep. A. Regier moved that **SB 370 BE AMENDED.**

[**EXHIBIT\(juh60a03\)**](#)

Discussion:

11:44:08 Rep. J. Hinkle
11:45:34 Rep. Carlson
11:46:06 Rep. Kelker
11:46:34 Rep. Lenz joined the meeting.
11:48:19 Rep. Stafman
11:49:01 Rep. J. Hinkle
11:49:32 Rep. Ler joined the meeting.
11:49:46 Rep. Stafman
11:50:07 Rep. J. Hinkle
11:50:41 Rep. Skees

11:51:19 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette and Rep. Stromswold voted by proxy.

11:52:38 **Motion:** Rep. A. Regier moved that **SB 370 BE CONCURRED IN AS AMENDED.**

11:52:57 **Motion:** Rep. Skees moved that **SB 370 BE AMENDED.**

[**EXHIBIT\(juh60a04\)**](#)

Discussion:

11:53:24 Rep. Skees
11:54:04 Rep. Ler
11:54:18 Rep. Skees
11:54:39 Rachel Weiss, LSD

11:55:14 Without objection Rep. Skees withdrew his motion to **AMEND SB 370.**

11:55:26 Chair Usher
11:55:35 Rep. Phalen
11:55:38 Chair Usher
11:55:50 Rep. Skees

11:56:00 **Motion:** Rep. Skees moved that **SB 370 BE CONCEPTUALLY AMENDED BY MODIFYING AMENDMENT NUMBER SB 370.1.1 BY REMOVING THE NUMBER 4 AND INSERTING NUMBER 13 ON LINE 24, LINE 27, AND ON PAGE 3 LINE 11.**

EXHIBIT(juh60a05)

Discussion:

11:56:26 Rachel Weiss, LSD
11:56:36 Rep. Skees
11:56:41 Chair Usher
11:56:49 Rachel Weiss, LSD

11:57:03 **Vote:** Motion carried unanimously by voice vote. Rep. Fleming, Rep. Gillette and Rep. Stromswold voted by proxy.

11:57:25 **Motion:** Rep. A. Regier moved that **SB 370 BE CONCURRED IN AS AMENDED.**

Discussion:

11:57:33 Rep. Stafman

12:00:13 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette and Rep. Stromswold voted by proxy. Rep. Ler will carry the bill.

EXECUTIVE ACTION ON SB 344

12:00:43 **Motion:** Rep. A. Regier moved that **SB 344 BE CONCURRED IN.**

Discussion:

12:01:10 Rep. Bishop

12:01:34 Without objection Chair Usher made a motion to **PASS CONSIDERATION ON SB 344.**

Committee Business:

12:01:51 Rep. Hawk
12:01:55 Chair Usher
12:02:01 Rep. Skees
12:02:13 Rep. Phalen
12:02:30 Rep. Bishop
12:05:48 Rep. Skees
12:06:20 Rep. Phalen
12:06:48 Rep. Lenz

ADJOURNMENT

Adjournment: 12:06:54

Joanne Kauzlarich, Secretary

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Additional Documents:

EXHIBIT([juh60aad.pdf](#))